

1955

April 7

NEW HAMPSHIRE LAW LIBRARY

SEP 22 1998

CONCORD, N.H.

Mr. Alfred S. Cloues  
State Treasurer  
State House  
Concord, New Hampshire

Dear Sir:

You have this date handed to me a letter from Mrs. Barbara Stanford, 70 Highland Avenue, Somerville, Massachusetts in which Mrs. Stanford advises that a check of the State went to her mother, Mrs. Rena Fletcher of 6 River Road, Somerville, Massachusetts under date of March 30, 1955 is now in her possession; and that her mother died on March 21, 1955, prior to the issuance of the check. It appears that the check in question was issued in payment of the World War I bonus (Laws 1919, c.1) with respect to a deceased veteran, Harold R. Fletcher. Mrs. Stanford inquires whether the check may be made payable to herself in order that she might use it to pay her mother's debts, or to the undertaker in charge of her mother's interment.

Under the statute cited the bonus is payable to the veterans themselves, or to "the legal representatives or heirs of such as have died." Before her death Mrs. Fletcher qualified as the widow of the veteran.

It is clear upon an examination of law that the bonus is payable only to the qualified applicant himself; it is not payable to the heirs, as such, of an applicant who may die before payment is made. Therefore, Mrs. Fletcher having deceased prior to the State's making payment, the check may not lawfully be made payable to the executor or administrator of Mrs. Fletcher's estate, nor to persons claiming as her heirs.

Since the language above quoted would permit payment to the children of a deceased veteran, you may wish to advise Mrs. Stanford that she may, either alone or with her brothers or sisters, if she has any, qualify in her own right to receive the bonus. Thus, if she herself is a child of the deceased veteran, it would appear that she

Mr. Alfred S. Cloues

-2-

April 7, 1955

and others similarly situated if any there be, may be entitled to the payment. This, however, is a matter for the Adjutant General; if application be made, it should be made to him.

Very truly yours,

Warren E. Waters  
Deputy Attorney General

WEW/t

cc: Adjutant General